

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KHALAIRE ALLAH,

Plaintiff,

-against-

DAVID S. DINELLO, et al.,

Defendants.

No. 23-CV-3286 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Before the Court are counsels' letters with respect to the request of Defendants Dinello, Mueller, Salotti, Hammer, and Bozer (the "State-Represented Defendants") and Defendant Belgard (a "Non-State-Represented Defendant") to reinstate their previously filed motions to dismiss in the above-captioned case and in the cases listed below. (See *dk*t. nos. 95, 98, 100, 102, 103.) Because it appears that the motions cannot be decided without the underlying information regarding the resolution of Plaintiffs' grievances on these topics, the motion is denied pending substantial completion of discovery regarding those grievances.

The Clerk of the Court shall close docket entries 95 and 102. The Clerk of the Court shall also docket this order in each of the following cases listed below and close each of the docket entries listed below.


- Feder v. Dinello, 23-cv-3392: close docket numbers 69 and 76.
- Frateschi v. Hammer, 23-cv-3394: close docket number 42.
- Jacobs v. Mueller, 23-cv-3606: close docket number 43.
- Marcial v. Mueller, 23-cv-3455: close docket number 62.
- Ortiz v. Dinello, 23-cv-3547: close docket number 76.
- Perez v. Dinello, 23-cv-3300: close docket number 61.
- Pine v. Hammer, 23-cv-7148: close docket number 26.
- Reyes v. Dinello, 23-cv-3315: close docket number 53.
- Rivera v. Mueller, 23-cv-3579: close docket number 43.
- Rosado v. Mueller, 23-cv-3718: close docket numbers 77 and 84.
- Van Guilder v. Mueller, 23-cv-3398: close docket number 59.
- Wilkerson v. Hammer, 23-cv-3397: close docket number 75.
- Windley v. Hammer, 23-cv-7151: close docket number 40.

The Court acknowledges that the State-Represented Defendants' motion to dismiss in Locenitt v. Dinello, 23-cv-3399, includes arguments unrelated to the Plaintiffs' compliance with the applicable statute of limitations and remains sub judice. (See Locenitt v. Dinello, 23-cv-3399, dkt. nos. 66-67.) Accordingly, the Court will separately consider those substantive arguments made in State-Represented Defendants' motion to dismiss in Locenitt. The Clerk of the Court shall also docket this order in

Locenitt v. Dinello, 23-cv-3399, and close docket entries 98 and 105 therein.

SO ORDERED.

Dated: February 20, 2024
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA
Senior United States District Judge